

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

KIA SHELLEY,

PLAINTIFF,

V.

DOLLAR TREE, INC., DOLLAR TREE
STORES, INC.,

DEFENDANT.

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CIVIL ACTION NO. 4:18-cv-582

Jury Demand

NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS:

1. DOLLAR TREE STORES, INC. (incorrectly named as both "Dollar Tree, Inc." and "Dollar Tree Stores, Inc.") is the Defendant in a civil action commenced on July 5, 2018 in the 393rd District Court in and for Denton County, Texas, entitled *Kia Shelley v. Dollar Tree, Inc., Dollar Tree Stores, Inc.*, Cause No. 18-5793-393 ("State Court Action"). Pursuant to Local Rule CV-81(c) of the United States District Court for the Eastern District of Texas, copies of the following documents are attached hereto as *Exhibit A*:

- (a) A list of all parties in the case, their party type, and current status;
- (b) A civil coversheet and certified copy of the state court docket sheet¹; a copy of all pleadings that assert causes of action; all answers to such pleadings; and a copy of

¹ DOLLER TREE STORES, INC. requested and received a certified copy of the state court docket sheet for Cause No. 18-5793-393 from the clerk for the 393rd Judicial District Court of Denton County, Texas. However, the certified Judicial Docket Entries provided by the state court clerk does not contain any entries for the relevant case. Out of an abundance of caution, DOLLAR TREE STORES, INC. has provided a copy of the state court's Register of Actions, containing the Events and Orders of the Court, to this Court as part of *Exhibit "A."*

all process and orders served upon the party removing the case to this Court as required by 28 U.S.C. § 1446(a);

- (c) A complete list of attorneys involved in the action being removed, including each attorney's bar number, address, telephone number, and party or parties represented by him/her;
- (d) A record of which parties have requested trial by jury; and
- (e) The name and address of the court from which the case is being removed.

2. The citation and petition in this action were served on Defendant on July 16, 2018 by serving Defendant's registered agent via personal service. This Notice of Removal is filed within thirty (30) days of receipt of the citation and petition and is therefore timely filed pursuant to 28 U.S.C. § 1446(b).

3. The district courts of the United States have original jurisdiction over this action based on diversity of citizenship among the parties, in that every defendant is now, and was at the time the action was commenced, diverse in citizenship from every plaintiff. No defendant is, or was at the time the suit was commenced, a citizen of the State of Texas.

4. As stated in Plaintiff's Original Petition, Plaintiff Kia Shelley is an individual who now and at the time this action was commenced resided in Collin County, Texas. Thus, Plaintiff is now, and was at the time this action was commenced, a citizen of the State of Texas.

5. Defendant Dollar Tree Stores, Inc. is a corporation formed under the laws of the Commonwealth of Virginia, having its principal place of business now and at the time this action was commenced in Chesapeake, Virginia. Thus, Defendant is now, and was at the time this action was commenced, a citizen of the Commonwealth of Virginia and of no other state.

6. The amount in controversy in this action, exclusive of interest and costs, exceeds the sum of \$75,000. As reflected in Plaintiff's Original Petition, Plaintiff is putting more than \$75,000 in damages at issue in this action. Specifically, as explicitly stated in Plaintiff's Original

Petition, Plaintiff seeks monetary relief in excess of \$200,000, but not more than \$1,000,000. *See Plaintiff's Original Petition, section I.* Therefore, the estimate of damages that has been put at issue in this action by Plaintiff and the amount in controversy in this action exceeds \$75,000.

7. Removal of the State Court Action is proper pursuant to 28 U.S.C. § 1441, since it is a civil action brought in a state court, and the federal district courts have original jurisdiction over the subject matter under 28 U.S.C. § 1332(a) because Plaintiff and Defendant are diverse in citizenship.

8. WHEREFORE, Defendant Dollar Tree Stores, Inc., pursuant to these statutes and in conformance with the requirements set forth in 28 U.S.C. § 1446, removes this action for trial from the 393rd Judicial District Court in and for Denton County, Texas to this Court on this 15th day of August 2018.

Respectfully submitted,

KANE RUSSELL COLEMAN LOGAN PC

By: /s/ Kenneth C. Riney
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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this the 15th day of August, 2018, a copy of the foregoing document was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to counsel for Plaintiff by operation of the Court's electronic filing system, unless counsel for Plaintiff is not registered with the CM/ECF system, in which case the undersigned certifies that a copy of the foregoing document was sent to counsel for Plaintiff via certified mail, return receipt requested.

/s/ Kenneth C. Riney
Kenneth C. Riney